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In re Application of:
Michael Malcolm, et al.
Application No.: 09/093,533
Filed: June 8, 1998
For: NETWORK OBJECT CACHE ENGINE

SWERNOFSKY
LAW GROUP
DECISION ON PETITION TO
MAKE SPECIAL
Director's Office
Group 2700
#14

This is a decision on the petition under M.P.E.P. § 708.02 (VIII) to make the above-identified application special, filed February 3, 2000.

A grantable petition to make special in accordance with M.P.E.P. § 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

The petition lacks a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention. However, in view of statements contained in the petition the petition is considered to be in compliance with this requirement.

For the above stated reasons, the petition is GRANTED.

If all claims are not directed to a single invention and petitioner does not agree to make an oral election without traverse if the Office holds that the claims are not directed to a single invention, petitioner is required to indicate such in writing and the special status herein granted will be withdrawn.

The application will retain its special status throughout its entire course of prosecution in the Patent and Trademark Office, including appeal, if any to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file will be forwarded to the examiner for expedited prosecution.

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